

Appl. No. 10/798,725
Amendment dated September 7, 2005
Reply to Office Action of April 7, 2005

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. Per the Examiner's suggestions, Figure 1 has been modified to include the legend "prior art". The other drawing objections are addressed in the Remarks section of this response.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

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REMARKS/ARGUMENTS

In the specification, the paragraphs [0064] and [0065] have been amended to correct minor editorial problems of numbering references. Claims 1-4, 6, 7, 10, 11, and 14 have been amended. Claims 9, 15, and 20-23 have been canceled. Claims 1-8, 10-14, and 16-19 remain in this application.

Drawing Objections

In amended Figure 1, the term “prior art” has been added to the Figure per the Examiner’s suggestion.

The label “166” has been modified in the specification to the proper label of “66” as shown in Figure 7 such that no amendment to the drawings is required.

The label “actuating rod aperture 84” has been modified in the specification to the proper label of “actuating rod aperture 80” as shown in Figure 2 such that no amendment to the drawings is required.

Applicant respectfully requests reconsideration and withdrawal of these objections.

Specification Objections

The specification has been objected to based on structural equivalents for means plus function language in the claims. Applicant has amended the claims to remove the means plus function language from the claims. Therefore, Applicant respectfully requests reconsideration and withdrawal of this objection.

Claim Rejections - 35 U.S.C. §112

Claims 2, 5, and 23 have been rejected under 35 U.S.C. §112 second paragraph.

Claim 2, and through its dependency claim 5, have been amended to clarify the “sliding engagement ramp” as the functional item for the claim. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 2 and 5 based on 35 U.S.C. § 112.

Claim 23 has been cancelled. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 23 based on 35 U.S.C. § 112.

Double Patenting

Claims 9, 15, and 20-22 have been rejected under statutory double patenting as put forth in 35 U.S.C. § 101. Claims 9, 15, and 20-22 have been canceled. Applicant respectfully requests reconsideration and withdrawal of the rejection.

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Claims 1-8, 10, 11-14, 16, and 23 have been rejected under obvious type double patenting. Claim 23 has been cancelled. The following terminal disclaimer is provided in response to the remaining rejections:

WGP, LLC a Delaware Limited Liability Company, the owner of one hundred percent (100%) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,705,036 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate; is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record. Reg. No. 42,998.

Based on this terminal disclaimer, Applicant respectfully requests reconsideration and withdrawal of this rejection and believes the application to be in a condition for allowance over these rejections, and respectfully requests an early and favorable action to that effect.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1, 3, 6, and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,067,309 issued to Wohrstein (Wohrstein '309); Claims 1-4 have been rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 2,466,196 issued to Baker (Baker '196); and Claims 1-4 have been rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,149,898 issued to Chestnut (Chestnut '898). Because each of the rejections is responded to using the same basic principle, each of the claims is addressed together in the following argument.

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As now required by the amended claims 1-8, 10, 11-14, and 16-19, the engagement portion must extend backwards from the trigger body in the direction of the trigger pull. None of the patents cited by the Examiner in either the §102 or §103 references disclose the engagement portion extending from the back of the trigger. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The present claims have been amended to add the limitation that the engagement portion extends backwards from the trigger body in the direction of the backwards pull of the trigger. As noted by the examiner both Wohrstein ‘309 and Baker ‘196 have a front engagement portion, and Chestnut ‘898 does not even include an engagement portion. Thus, the cited prior art does not show, claim, or teach the limitation requiring the backward extending engagement portion as required by the amended claims 1 and 11, both claims 1 and 11 include this new limitation. Claims 2-8, 10 are dependent from Claim 1, and claims 12-14, and 16-19 are dependent from Claim 11, and so that the dependent claims also include this limitation that makes them distinguishable over the cited prior art. For a 35 U.S.C. 102 rejection, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, because the cited prior art does not teach or disclose every aspect of the claimed invention either implicitly or explicitly, the amended claims of the present invention are patentably distinguishable over the cited prior art. Thus, Applicant respectfully requests that the rejection of Claims 1-4, 6, 10, 11, 12, 18, and 19 under 35 U.S.C. §102(b) be withdrawn.

Claim Rejections - 35 U.S.C. §103

Furthermore, Claim 7 has been rejected under 35 U.S.C. §103 as being rendered obvious by United States Patent No. 4,067,309 issued to Wohrstein (Wohrstein ‘309); and Claim 8 has been rejected under 35 U.S.C. §103 as being rendered obvious by United States Patent No. 4,067,309 issued to Wohrstein (Wohrstein ‘309). As noted in the response to the §102 rejections, no cited references showing a backward extending engagement portion in combination with the other elements has been cited for combining any of these patents to create this feature. “Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves or in the knowledge generally available to one of ordinary skill in the art.” MPEP § 2143.01 (citing In re Fine, 837 F.2d 1071 (Fed. Cir. 1988)). None of the prior art patents have taught or suggested this particular design as defined in the claims because none of these patents teach the backward extending engagement portion in combination with the other elements of this invention. Applicant respectfully requests reconsideration of the obviousness rejection of claims 7 and 8. Therefore, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection of Claims 7 and 8.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Pursuant to 37 C.F.R. §1.136(a), Applicant herewith petitions the Commissioner to extend the time for responding to the April 7, 2005, Office Action for 2 months from July 7,

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2005, to September 7, 2005. Applicant encloses herewith a check in the amount of \$450.00 made payable to the Commissioner of Patents and Trademarks for the petition fee.

Respectfully submitted,

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